

March 29, 1979

LB 575

first to repeal the unconstitutional section and replace it with a totally new one. The wording of the amended LB 575 conforms with the language recommended by the Supreme Court in the Supreme Court case, State versus Adams, and recently restated on February 27th, 1979 in State versus Norton. I move for the advancement of LB 575.

SPEAKER MARVEL: Mr. Clerk, do you have amendments on the desk?

CLERK: Mr. President, Senator Venditte moves to amend LB 575: Insert a new section as follows: Section 2. Senator, just on page 2, line 12, after the second comma insert, and section 9-669.07 Revised Stat Sub and strike "is" and insert "are"?

SPEAKER MARVEL: Senator Venditte.

SENATOR VENDITTE: Mr. President, members of the Legislature, I had attempted earlier to amend another bill relative to public intoxication relating to driving while under the influence but that particular amendment was not germane to the bill. In discussing this particular amendment with the bill drafter's office, the amendment, of course, is germane to this particular piece of legislation and basically what it does is this. Very, very, very simply this, that means that if you are driving while under the influence of alcohol you go to jail for one day. Sixteen, twenty, forty, fifty, sixty years old. Now the question is, is it appropriate for us, the Legislature, to send somebody to jail for one day? Well, on the other hand, ladies and gentlemen, maybe this is more of an appropriate question to ask. Is it appropriate for us to allow those people to continue to drive while under the influence as was the case just a few days ago with this one gentleman who was caught driving while under the influence three times? Some people in this state right now have been arrested as many as four and five times driving while under the influence and never once have these people gone to jail. Well I submit to this Legislature if you want to reduce the number of fatalities in this state, ladies and gentlemen, if you want to curb the number of people that die in this state every year from the somewhat of four hundred and some odd number of people that died last year, then we have got to start getting serious with these people who are driving while under the influence of alcohol. I submit to you that a Class IIIA misdemeanor for the first offense DWI is not a deterrent. What does IIIA mean? Well, it means that the judge has his choice as to whether to send him to jail for three months or assess a fine of up to \$500. I will bet the average judge